



KOREAN EMPLOYMENT PERMITS FOR DEPENDENTS WITH SOFA STATUS



SOFA Changes Effective 2 April 2001: The Status of Forces Agreement (SOFA) underwent significant changes as part of extensive negotiations between the United States and the Republic of Korea (ROK). The SOFA changes went into effect on 2 April 2001, and include a one-page Memorandum of Understanding regarding preferential hiring of Koreans and employment of family members (hereinafter MOU).

What is the MOU on the Employment of Family Members: The MOU on hiring of USFK family members is potentially a good deal for family members seeking employment on the Korean economy. The MOU is fairly characterized as quid-pro-quo. First, USFK committed to employ Korean Nationals for those positions designated now as KN positions, with limited exceptions. In exchange, the ROK agree that they "will positively consider giving employment permission to dependents of the US armed forces members and dependents of members of the civilian component while they are retaining their A-3 status after they enter Korea with an A-3 status." Note that dependents of Invited Contractors are not included.

There are Eight Employment Related Visa Categories: The MOU states that "any of the eight employment status categories (E-1 through E-8) may be available" to USFK family members "as long as they meet employment requirements for a position stipulated by Korean Immigration Law."

- E-1 Teaching (Professor): This is for professors of higher education. Requirements include education and experience as a professor of higher education.
- E-2 Foreign Language Instructor: This category includes English teachers. Requirements include a bachelor's degree and/or relevant college level educational and/or work experience. Individuals applying for this permit must also be natives of a country where the language they wish to teach is the mother tongue. Proof must be provided of relevant qualifications. The ROK government recently imposed additional requirements including criminal record check by FBI or home state police, health certificate issued by a Korean public health office, and fingerprints.
- E-3 Research: This category includes those performing research in the natural sciences or in the development of industry and technology. Requirements include an invitation from a Korean public or private institution to perform work of this nature.
- E-4 Technology Instruction: A person possessing professional level knowledge in the natural sciences, or special technical skills. Requirements include an invitation from a Korean public or private institution to instruction of this nature.
- E-5 Professional Occupation: This category includes foreign attorneys, accountants, and doctors who are certified in a foreign country and are authorized under Korean law to practice in their field in Korea.
- E-6 Arts and Performance: This category includes those engaged in music, the arts, literature, modeling, or other performance activities for profit.
- E-7 Special Occupations: Include such employment as designated by the Minister of Justice, including work in translation, interpretation, cultural research, etc.
- E-8 Employed Trainee: Temporary employment for industrial training purposes.

USFK family members retain their A-3 visa status (the SOFA visa status) while also having an employment permit stamped on their passport. No departure from the peninsula and return to Korea is required to obtain such an employment permit. USFK family members will have ROK income taxes withheld by their Korean employer in their income.

How to Get an Employment Visa: A-3 visa holders may negotiate terms of employment with a Korean company. The employer can then initiate the paperwork with the Immigration Bureau to obtain an employment permit for the SOFA family member, SOFA family members will likely have to visit a local immigration bureau office and obtain an employment permit stamp on their passports. SOFA family members with a ROK employment permit are lawfully employed on the Korean economy.

Teaching English: To lawfully work on the Korean economy, SOFA family members must have a ROK employment permit which is obtained through a legitimate Korean employer. If a SOFA family member teaches for a business, school, or other establishment without obtaining an employment permit, they do so in violation of ROK law and could potentially face a fine, deportation and/or ROK prosecution. **Important Note:** Private tutoring is considered a business, not an employment, and is never allowed. Your local legal assistance office can provide advice to individuals regarding employment visas.

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